

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAMELA ANCELL,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of
Social Security Administration,,

Defendant.

Case No. C07-5006RBL

REPORT AND
RECOMMENDATION

Noted for November 23, 2007

This matter is before the court on plaintiff's failure to file her opening brief and/or a response to the court's order to show cause issued on September 15, 2007. After carefully reviewing the record, the undersigned recommends that the case be dismissed for lack of prosecution.

Plaintiff, Pamela Ancell, resides in Bremerton, Washington. On or about January 5, 2007, Ms. Ancell submitted to the Court Clerk a civil complaint. The Complaint names the Michael Astrue of the Social Security Administration as the sole defendant and alleges the Administration failed to properly consider her application for social security benefits.

After defendant filed her answer, along with the administrative record, the court issued a briefing schedule, in which plaintiff was directed to file her opening brief by not later than May 2, 2007, which was later extended until May 31, 2007.

On May 10, 2007, Plaintiff's attorney moved to withdraw from the case. After reviewing the motion, along with the response thereto, the court granted the motion. Plaintiff was directed to file an

1 Opening Brief by not later than June 22, 2007.

2 On September 15, 2007, the court issued an order to show cause, explaining that plaintiff had
3 failed to file the required pleading, and Plaintiff was directed to either filed the overdue Opening Brief
4 and/or explain why this matter should not be summarily dismissed for lack of prosecution. To date, the
5 clerk has not received any pleadings or documents from plaintiff responding to the court orders requiring
6 her to file an opening brief.

7 Based on the court record and the facts described above, the Court should dismiss plaintiff's
8 causes of action without prejudice for failure to prosecute. Pursuant to 28 U.S.C. § 636(b)(1) and Rule
9 72(b) of the Federal rules of Civil Procedure, the parties shall have ten (10) days from service of this Report
10 to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of
11 those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time
12 limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **November 23, 2007**,
13 as noted in the caption.

14 DATED this 31st day of October, 2007.

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16 /s/ J. Kelley Arnold
17 J. Kelley Arnold
18 United States Magistrate Judge
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